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10/772,182	02/03/2004	Hank Risan	MRT-022	4668
70407 7590 11/24/2009 MEDIA RIGHTS TECHNOLOGIES C/O WAGNER BLECHER LLP 123 WESTRIDGE DRIVE WATSONVILLE, CA 95076				
EXAMINER				
HOLDER, BRADLEY W				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,182

Applicant(s)

RISAN ET AL.

Examiner

BRADLEY HOLDER

Art Unit

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 10-12, 14, 20, 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 08/26/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to Application # 10/772182 filed on February 3, 2004 in which claims 1-23 are presented for examination.

Status of Claims

Claims 1-23 are pending, of which Claims 1-23 are rejected under 35 U.S.C. 102(e).

Specification

The disclosure is objected to because a description of Figure 6a in the "Brief Description Of The Drawings" section is missing.

Appropriate correction is required.

Drawings

The drawings are objected to because Figure 6, which is referenced in multiple locations in the specification, is missing.

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Objections

The following Claims are objected to for lack of antecedent basis:

1. "said media content notification", Claim 2, Line 1; Claim 3, Line 1; Claim 4, Line 1; Claim 6, Line 1; Claim 10, Lines 1-2; Claim 11, Lines 1-2; Claim 12, Lines 1-2; Claim 14, Lines 1-2; Claim 20, Line 1; Claim 22, Line 1

Appropriate correction is required.

Claim Construction

All "means for" elements in Claims 17-19, 21, 23 are construed under 35 U.S.C. 112, sixth paragraph.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claim 9, a "computer readable medium for storing computer implementable instructions" storing computer program code that performs various functions is recited. The claim fails to identify the computer readable medium as a "*non-transitory*" computer readable "*storage*" medium. As a result, the computer readable medium as defined by the applicant in the claims can be interpreted as including various types of transmission media including signals or carrier waves which are non-statutory.

Thus, the recited "computer readable medium for storing computer implementable instructions" is not a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C. 101.

Regarding Claims 10-16, they are dependent claims dependent on Claim 9 which have inherited the deficiencies of the parent claim and have not resolved the deficiencies. Therefore, they are rejected based on the same rationale as applied to the parent claim 9 above.

Regarding Claim 17, a system for providing a media change notification on a computing system is described comprising "a means for polling", "a means for detecting", "a means for generating", and "a means for outputting", all implemented in software configured to cause the actions described in Claim 17. In addition, the

Specification expressly states that "Within the present embodiment, it should be appreciated that the steps of flowchart 700 may be performed by software, by hardware or by any combination of software and hardware." (See Specification - Page 59 Lines 15-17) and "Within the present embodiment, it should be appreciated that the steps of flowchart 1600 may be performed by software, by firmware, by hardware or by any combination thereof" (See Specification - Page 118 Lines 19-21).

Accordingly, the recited "*system*" is nothing more than software *per se* and is not a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C. 101.

Regarding Claims 18-23, they are dependent claims dependent on Claim 17 which have inherited the deficiencies of the parent claim and have not resolved the deficiencies. Therefore, they are rejected based on the same rationale as applied to the parent claim 17 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Huffman et al. US Patent Application No. 2005/0086397.

Regarding Claim 1, Huffman et al. discloses:

A method for providing a media change notification [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Figure 2)] *on a computing system comprising: polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system;* [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]

detecting a media change on said media device; [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

generating a media change notification when said media change is detected; [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et al. teaches the creation and transmission of a message indicating that a media change has occurred]

and outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al.

teaches outputting or transmission of a message indicating that a media change has occurred where the media change notification utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]

Regarding Claim 2, Huffman et al. discloses:

The method as recited in claim 1 wherein said media content notification is performed by a kernel level component [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the media content or change notification polling and response utilizes Direct Memory Access on the host bus with interrupt notification which requires the use of a kernel level component of the Operating System]

Regarding Claim 3, Huffman et al. discloses:

The method as recited in claim 1 wherein said media content notification is performed by a user level component. [see (Huffman et al. Paragraph 27 Lines 1-11) where Huffman et al. teaches that the media content or change notification utilizes interaction with the user and as a result requires the use of a user level component of the Operating System]

Regarding Claim 4, Huffman et al. discloses:

The method as recited in claim 1 wherein said media content notification is performed by modifying a media-polling component of an operating system [see

(Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al. teaches that the media-polling component of the Operating System needs modification in order to support asynchronous notification]

Regarding Claim 5, Huffman et al. discloses:

The method as recited in claim 4 wherein said modifying of said media polling component in said operating system comprises: utilizing said media polling component to poll each said media device coupled with said computing system for content regardless of any input to said media polling component by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines 6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches the modified media polling component of the operating system polls each or multiple media devices in the computing system and receives notification via an interrupt regardless of inputs to the media polling component]

Regarding Claim 6, Huffman et al. discloses:

The method as recited in claim 1 wherein said media content notification is performed by a second component operating parallel to a first component in an operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll and a second component of a asynchronous poll or message operating in parallel to provide the media content or status notification]

Regarding Claim 7, Huffman et al. discloses:

The method as recited in claim 6 wherein said first component in said operating system polls said media device for content and can be disabled by said computing system [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll to provide the media content or status notification that can be disabled by the computing system],

and said second component operating parallel to said first component in said operating system polls said media device for content and cannot be disabled by said computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a second component of an asynchronous poll or message operating in parallel to provide the media content or status notification that cannot be disabled by the computing system]

Regarding Claim 8, Huffman et al. discloses:

The method as recited in claim 1 wherein said media change is an introduction of media to said media device of said computing system. [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches that the media change is an introduction or insertion of a tape cartridge into the media or storage device]

Regarding Claim 9, Huffman et al. discloses:

A computer readable medium for storing computer implementable instructions, said instructions for causing a client system to perform a method for providing a media change notification [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Figure 2)] on a computing system comprising: polling a media device for a media change wherein said polling of said media device cannot be obstructed; [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be obstructed]

detecting a media change on said media device; [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

generating a media change notification when said media change is detected; [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et al. teaches the creation and transmission of a message indicating that a media change has occurred]

and outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be obstructed. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches outputting or transmission of a message indicating that a media change has occurred where the media change notification utilizes Direct Memory Access on the host bus with interrupt notification that cannot be obstructed]

Regarding Claim 10, Huffman et al. discloses:

The computer readable medium of claim 9 wherein said media content notification is performed by a kernel level component. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the media content or change notification polling and response utilizes Direct Memory Access on the host bus with interrupt notification which requires the use of a kernel level component of the Operating System]

Regarding Claim 11, Huffman et al. discloses:

The computer readable medium of claim 9 wherein said media content notification is performed by a user level component. [see (Huffman et al. Paragraph 27 Lines 1-11) where Huffman et al. teaches that the media content or change notification utilizes interaction with the user and as a result requires the use of a user level component of the Operating System]

Regarding Claim 12, Huffman et al. discloses:

The computer readable medium of claim 9 wherein said media content notification is performed by modifying a media polling component of an operating system. [see (Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al. teaches that the media-polling component of the Operating System needs modification in order to support asynchronous notification]

Regarding Claim 13, Huffman et al. discloses:

The computer readable medium of claim 12 wherein said modifying of said media polling component in said operating system comprises: utilizing said media polling component to poll each said media device coupled with said computing system for content regardless of any input to said media polling component by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines 6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches the modified media polling component of the operating system polls each or multiple media devices in the computing system and receives notification via an interrupt regardless of inputs to the media polling component]

Regarding Claim 14, Huffman et al. discloses:

The computer readable medium of claim 9 wherein said media content notification is performed by a second component operating parallel to a first component in an operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll and a second component of an asynchronous poll or message operating in parallel to provide the media content or status notification]

Regarding Claim 15, Huffman et al. discloses:

The computer readable medium of claim 14 wherein said first component in said operating system polls said media device for content and can be disabled by said computing system, [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll to provide the media content or status notification that can be disabled by the computing system]

and said second component operating parallel to said first component in said operating system polls said media device for content and cannot be disabled by said computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a second component of an asynchronous poll or message operating in parallel to provide the media content or status notification that cannot be disabled by the computing system]

Regarding Claim 16, Huffman et al. discloses:

The computer readable medium of claim 9 wherein said media change is an introduction of media to said media device of said computing system. [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches that the media change is an introduction or insertion of a tape cartridge into the media or storage device]

Regarding Claim 17, Huffman et al. discloses:

A system for providing a media change notification [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Figure 2)] *on a computing system comprising: means for polling a media device of a computing system for a media*

change wherein said polling of said media device cannot be blocked by said computing system; [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]

means for detecting a media change on said media device; [see (Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

means for generating a media change notification when said media change is detected; [see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et al. teaches the creation and transmission of a message indicating that a media change has occurred]

and means for outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches outputting or transmission of a message indicating that a media change has occurred where the media change notification utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]

Regarding Claim 18, Huffman et al. discloses:

The system as recited in claim 17 wherein said means for polling said media devices is at a kernel level. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the media content or change notification polling and response utilizes Direct Memory Access on the host bus with interrupt notification which requires the use of a kernel level component of the Operating System]

Regarding Claim 19, Huffman et al. discloses:

The system as recited in claim 17 wherein said means for polling said media devices is at a user level. [see (Huffman et al. Paragraph 27 Lines 1-11) where Huffman et al. teaches that the media content or change notification utilizes interaction with the user and as a result requires the use of a user level component of the Operating System]

Regarding Claim 20, Huffman et al. discloses:

The system as recited in claim 17 wherein said media content notification is performed by modifying a media-polling component in an operating system. [see (Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al. teaches that the media-polling component of the Operating System needs modification in order to support asynchronous notification]

Regarding Claim 21, Huffman et al. discloses:

The system as recited in claim 20 wherein said modifying of said media polling component in said operating system comprises: means for utilizing said media polling component to poll each said media device on said computing system for content regardless of any input to said media polling component by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines 6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches the modified media polling component of the operating system polls each or multiple media devices in the computing system and receives notification via an interrupt regardless of inputs to the media polling component]

Regarding Claim 22, Huffman et al. discloses:

The system as recited in claim 17 wherein said media content notification is performed by a second component operating parallel to a first component in an operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll and a second component of an asynchronous poll or message operating in parallel to provide the media content or status notification]

Regarding Claim 23, Huffman et al. discloses:

The system as recited in claim 22 wherein said first component in said operating system has a means for polling said media device for content and can be disabled by said computing system, [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where

Huffman et al. teaches a first component of a synchronous poll to provide the media content or status notification that can be disabled by the computing system]

and said second component operating parallel to said first component in said operating system has a means for polling said media device for content and cannot be disabled by said computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a second component of a asynchronous poll or message operating in parallel to provide the media content or status notification that cannot be disabled by the computing system]

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7124248 B2 - USPAT 20061017 - Current media status determination for a storage device.

US 7551190 B2 - USPAT 20090623 - Display processing method and display processing apparatus.

US 7523457 B2 - USPAT 20090421 - Dynamic reconfiguration of multimedia stream processing modules.

US 7386798 B1 - USPAT 20080610 - Sharing on-line media experiences.

US 20070233842 A1 - US-PGPUB - Device Detection System for
Monitoring Use of Removable Media in Networked Computers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY HOLDER whose telephone number is 571-270-3789. The examiner can normally be reached on Monday-Thursday 7:30AM-5:00PM EST; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. H./

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Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439